



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: AUGUST 22, 2005

III.5.
ITEM NUMBER:

SUBJECT: VESTING TENTATIVE TRACT MAP T-16897
535 – 545 BERNARD STREET

DATE: AUGUST 11, 2005

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER 714.754.5136

DESCRIPTION

Applicant proposes a one-lot, airspace subdivision to facilitate the common interest development (condominium) conversion that was approved on February 28, 2005, under Planning Application PA-04-44.

APPLICANT

Peter Zehnder is the property owner and applicant for this application.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.


WENDY SHIH
Associate Planner


R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND/ANALYSIS

On February 28, 2005, Planning Commission approved Planning Application PA-04-44 for conversion of an existing, 12-unit apartment project into a common interest development (condominiums). The result will be a 12-unit ownership housing project. The applicant is processing the map that will facilitate this project. The proposed map will subdivide the airspace to allow the individual units to be sold independent of one another.

As provided for by the State Subdivision Map Act, the applicant has applied for a "vesting" tentative parcel map. If Planning Commission approves the vesting tentative parcel map, the Codes applicable at the time of filing, including development standards and fees, remain in effect for this project even if the Codes change.

The staff report and plans for the common interest development (condominium) conversion are attached for reference.

State law requires that all existing and prospective tenants be notified of the proposed conversion. This notification is required a minimum of 60 days prior to the filing of the tentative map. The applicant sent notices in April 2005. The applicant has provided proof that the letters were sent out in a timely manner (via return receipts) prior to the filing of the tentative map.

ALTERNATIVES

If the vesting tentative tract map is denied, the individual units could not be sold independent of one another, and could only be used as rentals.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act.

CONCLUSION

Approval of the vesting tentative tract map will facilitate an ownership housing project as approved by Planning Commission under Planning Application PA-04-44. The map is in compliance with the requirements of the Subdivision Map Act, Planning Application PA-04-44, and Chapter XI (Subdivision) of the Zoning Code.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Applicant's Project Description and Justification
 Tenant Notification Letter
 Aerial/Location Map
 Vesting Tentative Tract Map No. 16897
 Staff Report PA-04-44

cc: Deputy City Manager - Dev. Svs. Director
Sr. Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

File: 081005VTT16897	Date: 080905	Time: 9:45 a.m.
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RESOLUTION NO. PC-05-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING VESTING TENTATIVE
TRACT MAP T-16897**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Peter Zehnder, property owner with respect to the real property located at 535 – 545 Bernard Street, requesting approval of a one-lot, airspace subdivision to facilitate a common interest development (condominium) conversion in the R2-HD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 22, 2005.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Vesting Tentative Tract Map T-16897 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Vesting Tentative Tract Map T-16897 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 22nd day of August, 2005.

Chair, Costa Mesa
Planning Commission

H

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on August 22, 2005, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS

- A. The proposed single lot airspace subdivision is consistent with the City's General Plan and Zoning Ordinances.
- B. Approval of the subdivision will allow additional home ownership opportunities without impacting affordable rental housing. This is consistent with the objectives, policies, general land use, and programs specified in the General Plan.
- C. The subject property is physically suitable to accommodate T-16897 in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan.
- D. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.
- E. The subdivision and development of the property will not unreasonably interfere with the free and complete exercise of the public entry and/or public utility rights-of-way and/or easements within the tract.
- F. The discharge of sewage from this subdivision into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).
- G. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- H. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.
- I. The project, subject to conditions and code provisions, is consistent with Government Code Section 66427.1 in that all tenants have received written notifications of intention to convert and their exclusive rights to contract for the purchase of their unit.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. The applicant is reminded that all conditions, Code requirements, and special district requirements, of Planning Application PA-04-44 still apply (copy of conditions attached).

PLANNING DIVISION - CITY OF COSTA MESA

DESCRIPTION/JUSTIFICATION

Application #:

Environmental Determination:

Address:

535-545 BERNARD ST.

1. Fully describe your request:

TELTATIVE TRACT MAP

2. Justification

- A. For a Conditional Use Permit or Minor Conditional Use Permit: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.
- B. For a Variance or Administrative Adjustment: Describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

3. This project is: (check where appropriate)

☐ In a flood zone.

☐ In the Redevelopment Area.

☐ Subject to future street widening.

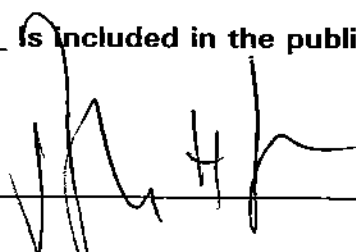
☐ In a Specific Plan Area.

4. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:

☒ Is not included in the publication indicated above.

☐ Is included in the publication indicated above.

Signature



Date

6/16/05

60-DAY NOTICE PRIOR TO TENTATIVE MAP FILING

TO THE OCCUPANTS OF UNIT NO. 535 B at: 535 through 545 Bernard Street in the City of Costa Mesa, California:

The owner of this building, at 535 through 545 Bernard Street, Costa Mesa, California, plans to file a tentative map with the City of Costa Mesa to convert this building to a condominium project. You shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

[Signature]
(signature of owner or owner's agent)

7/6/05
(date)

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

JUL - 8 2005

1.7 Ocean Partners, Ltd.
P.O.Box 15125
Newport Beach, Calif. 92659
949/548-8198

April 08, 2005

Dear Tenants,

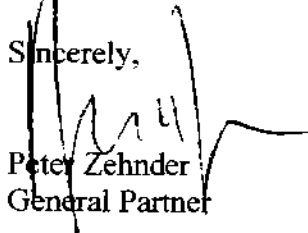
Enclosed is a standard notice that is required by the City of Costa Mesa prior to our submitting a tract map for the condominium conversion.

This process will take at least 90-120 days to move through the City. We will keep each of you informed well in advance of the proceedings and provide you with much advance notice of anything that will affect your tenancy.

Please feel free to contact us with any questions you may have.

We thank you very much for your cooperation.

Sincerely,


Peter Zehnder
General Partner

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

JUL - 8 2005

535 - 545 BERNARD STREET

Legend

- Street Names
- Parcel Lines
- City Boundary
- Ortho Photography
- Parcels



SHEET 1 OF 1
 1 LOT
 GROSS ACRES=0.882 ACRES
 NET ACRES=0.864 ACRES

VESTING TENTATIVE TRACT NO. 16897 IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA

OWNER/SUBDIVIDER:

1.7 OCEAN PARTNERS
 PETER ZEHNDER
 P.O. BOX 15126
 NEWPORT BEACH, CA. 92659
 (949) 438-8486

CIVIL ENGINEER:

ROBIN B. HAMERS & ASSOC., INC.
 234 E. 17TH STREET SUITE 205
 COSTA MESA, CA. 92627
 (949) 548-1122

LOTS 10, 11, AND 12 IN BLOCK B OF TRACT NO. 553,
 IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF
 CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 20, PAGE 4
 OF MISCELLANEOUS MAPS, RECORDS OF SAID COUNTY
 TOGETHER WITH THAT PORTION OF THE ALLY OR SAID MAP
 ADJOINING SAID LOTS.

ROBIN B. HAMERS AND ASSOC., INC.

ROBIN B. HAMERS PCE 31720
 DATE OF SURVEY: MAY 2005

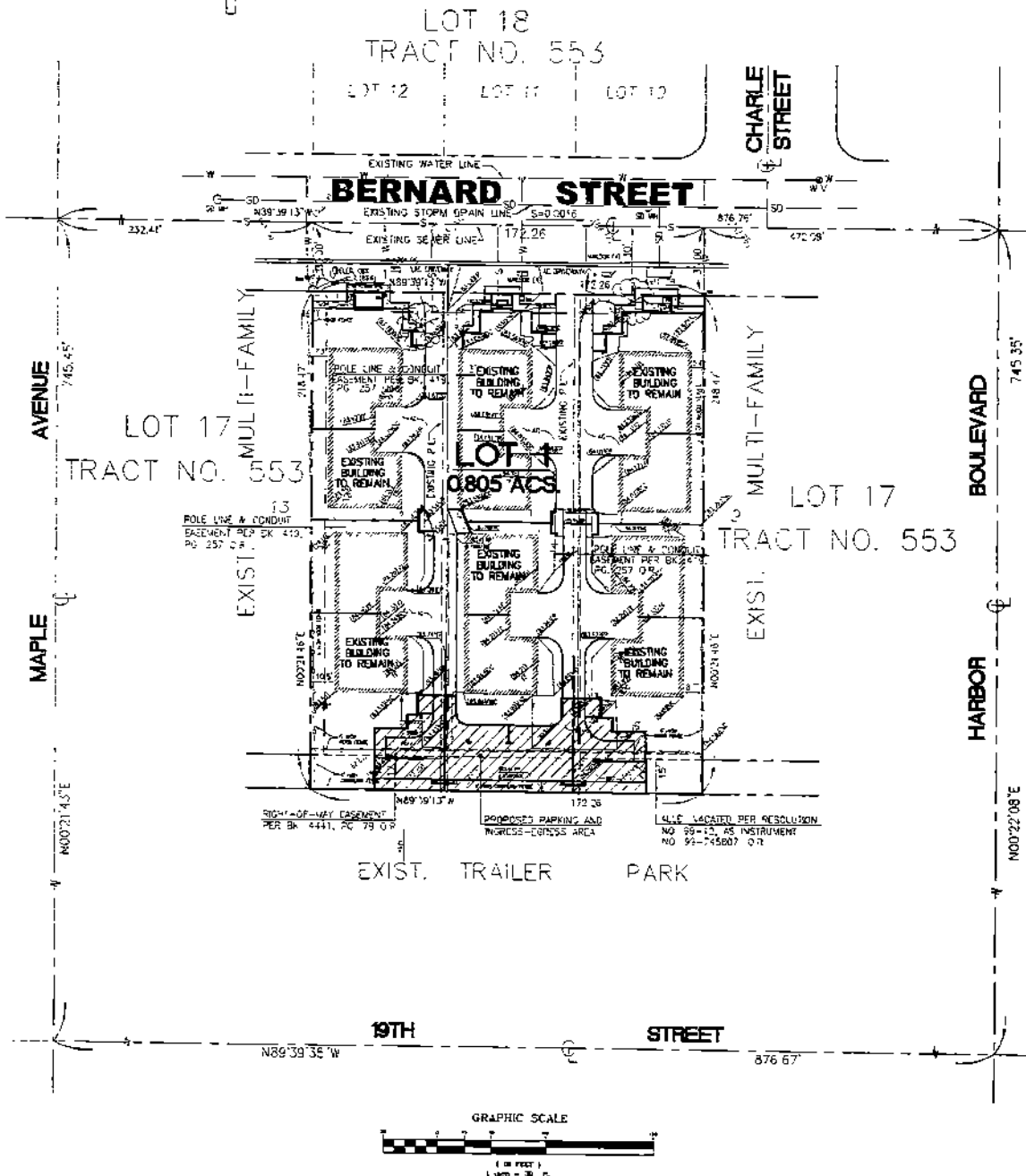
FOR CONDOMINIUM PURPOSES



GENERAL NOTES:

ADDRESS: 535-545 BERNARD STREET

1. EXISTING ZONING: R1-HD
2. PROPOSED USE: RESIDENTIAL CONDOMINIUMS
3. PURPOSE: TO CONVERT THE EXISTING 12 RESIDENTIAL UNITS INTO CONDOMINIUMS
4. ALL EXISTING BUILDINGS TO REMAIN.
5. AREA NOT SUBJECT TO BRUNDTGUM OR FLOODING DURING 100 YEAR STORM
6. EXISTING DRAINAGE FROM REAR OF PROPERTY TO BERNARD STREET TO REMAIN





PLANNING COMMISSION AGENDA REPORT

MEETING DATE: FEBRUARY 28, 2005

III. 2
ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-04-44
535 THROUGH 545 BERNARD STREET

DATE: FEBRUARY 17, 2005

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714)754-5136

DESCRIPTION

The applicant proposes to convert an existing 1-story, 12-unit apartment complex into a common interest development (condominiums), which would allow the units to be sold independent of one another.

APPLICANT

Peter Zehnder is representing the property owner Robert R. Boyd.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.


WENDY SHIH
Associate Planner


R. MICHAEL ROBINSON
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 535 – 545 Bernard Street Application: PA-04-44

Request: To convert an existing 1-story, 12-unit apartment complex to a common interest development (condominiums).

Zone: R2-HD North: Surrounding properties

General Plan: High Density Residential South: are all residentially

Lot Dimensions: 172 ft. x 218 ft. East: zoned and

Lot Area: 37,621 sq.ft. West: developed.

Existing Development: 12 unit, 2-bedroom apartment project comprised of 6 duplexes.

DEVELOPMENT STANDARD COMPARISON

Development Standard Code Requirement Proposed/Provided

Lot size:		
Lot width	100 ft.	172 ft.
Lot area	12,000 sq.ft.	37,621 sq.ft.
Density: Zone/GP	1 du/ 3,000 sq.ft.	1 du/ 3,135 sq.ft.
Building coverage – overall project:		
Buildings	NA	32% (12,021 sq.ft.)
Paving	NA	25 % (9,247 sq.ft.)
Open Space	40% (15,048 sq.ft.)	43% (16,353 sq.ft.)
TOTAL	100% (37,621 sq.ft.)	100% (37,621 sq.ft.)
Min. private open space dimension	10 ft. by 10 ft. min.	10 ft. by 10 ft. min.
Building Height:	2 stories/27 ft.	1 story/11 ft.
Building separation:	10 ft. min.	10 ft. 9 in.
Setbacks:		
Front	20 ft.	37 ft.
Side (left/right)	5 ft./5 ft.	4 ft. 7 in.*/8 ft.
Rear	10 ft.	30 ft.
Parking:		
Covered	12	12
Open	18	0**
Guest	6	6
TOTAL	36	18**
Driveway width:	16 ft.	10 ft. min.***
Landscape prkws. -- private driveways:	3 ft. min/10 ft. total	5 ft. min./15 ft. - 20 total

CEQA Status Exempt, Class 1

Final Action Planning Commission

* Existing, nonconforming.

** Existing, nonconforming on-site parking. Only 12 garage spaces are currently provided; the applicant proposes to add 6 open/guest parking spaces to gain closer conformance with parking requirements.

*** The westerly driveway is 10' (existing, nonconforming). Minor modification requested to reduce a portion of the easterly drive to 10' min (see report for discussion).

BACKGROUND

The property contains 12, 2-bedroom apartment units (6, single-story duplexes), each with an attached single-car garage. The applicant proposes to convert the apartments into condominiums.

Pursuant to Code Section 13-42(g), Planning Commission review is required when occupied apartments are proposed to be converted to a common interest development. The review is required to confirm compliance with applicable development standards and to consider potential impacts on the rental housing supply and displacement of tenants if the City's vacancy rate is below 3%. The City's current vacancy rate is 2.97%.

A minor modification is also requested to reduce the rear portion of the easterly driveway from 17 feet to 10 feet to allow additional landscaping/private yard area for the units.

A tract map will be required to be processed and recorded before the units can be sold independent of one another. The applicant is aware of this requirement, but did not want to have the map prepared until he was certain the conversion would be approved.

ANALYSIS**CONDOMINIUM CONVERSION**

Common interest developments must comply with additional development standards above those applicable to the zone of the property. These additional development standards include provision of a 10-foot by 10-foot private open space for each unit, having a break in the front plane of the building of at least 4 feet every 2 dwelling units, and provision of on-site lighting. The applicant proposes substantial upgrades to the property, including, but not limited to additional landscaping/private yard area for some of the units, enhanced landscaping at the front of the property, trellises to enhance entry area of individual units, and additional open/guest parking spaces at the rear of the lot. The project will comply with the common interest development requirements or can be conditioned to comply with these requirements.

The existing development was constructed in 1959 and is legal, nonconforming because the number of parking spaces and left (east) side setback do not comply with current Code for multiple-family projects – whether apartments or condominiums. The proposed change in the type of ownership will not increase the project's degree of nonconformity.

Approval of the conversion will satisfy General Plan Goal LU-1A.4 that encourages additional home ownership opportunities in the City. However, City Council is

concerned that conversions may diminish the supply of rental housing and displace residents unreasonably, particularly senior citizens, low- and moderate-income families, and families with school-age children. Consequently, City Council previously adopted a "critical vacancy rate" of 3% as the threshold for discouraging conversion of apartments to common interest developments. When the citywide rental vacancy rate is 3% or less, Planning Commission may deny any requested conversions. The latest census data indicates the City's rental vacancy rate is 2.97%.

The tenants are currently charged \$1,200 to \$1,300 a month in rent, which exceeds affordable rental rates of \$835 for very low income to \$1,162 for moderate income households. Therefore, conversion of the units would not result in a loss of affordable units. As conditioned, the applicant will offer right of first refusal to the tenants, with terms more favorable than those offered to the general public. If the tenants confirm that they are not interested in purchasing the units, the property owner will pay the registration fee for an apartment referral service. The City is only .03% (or 12 units City-wide) below the adopted vacancy rate threshold, it is staff's opinion that this proposal meets the goal of the General Plan's Housing Element to provide additional home ownership opportunities, and does not impact availability of affordable rental housing.

As required by Code, a property inspection report as well as a termite report was submitted, and a City property inspection report was prepared. Since these units are to be sold, it is staff's opinion that the property, as well as individual units, should be upgraded. Based on those reports, Planning staff's inspection of the site, and to allow a general upgrading of the site, staff recommends the following improvements:

1. All exterior and interior improvements listed in applicant's "Proposed Improvements" letter. This condition shall be completed under the direction of the Planning staff.
2. Replace all fences throughout the property. A minimum 6-foot high decorative block wall shall be provided on the project's perimeter property line.
3. Provide decorative paving at the driveway entry areas.
4. Upgrade landscaping to satisfy current code requirements.
5. Treat termite infestations as recommended by a termite control company.

This request is an example of renewed interest in conversion requests involving older apartments in the community. Staff has met with several potential conversion developers in the last few months. Historically, such requests have been discouraged or denied due to the degree of noncompliance with current development standards, especially parking, and amenities found in current common interest developments. However, these concerns must be reviewed in light of City

Council and community desires to increase opportunities for home ownership in the community.

As noted above, the interest in ownership housing is not only reflected in adopted general plan policies, but also expressed in a recent City Council Community Objective 03-D1. This objective directed staff to investigate incentives for owner-occupied housing on the Westside. It specifically asked staff to evaluate incentives to build new ownership projects but also to encourage condominium conversions, without involving Redevelopment Agency financial assistance, such was the case with the Habitat for Humanity conversion project at 1925 Pomona Avenue. Staff suggests that the current request fulfills this directive and that the upgrades and amenities included in the applicant's proposed improvements will result in a home ownership project that will compare favorably with new common interest developments.

MINOR MODIFICATION FOR DRIVEWAY WIDTH

Pursuant to Costa Mesa Municipal Code Section 13-93 (1), driveways providing access to 2 or more dwelling units must be at least 16 feet wide. The Code allows a minor modification for a decrease in minimum driveway width to not less than 10 feet (Section 13-28(j)(1)) if the improvement will not be materially detrimental to the health, safety and general welfare of persons residing on or near the property and if the improvement enhances the overall design of the project. The westerly driveway is 10 feet wide (legal, nonconforming). The easterly driveway is currently 17 feet wide. However, the applicant proposes to reduce the rear portion of the driveway to minimum 10 feet. Staff has no objections to a minor modification to allow a reduction of the driveway width because it allows additional private yard area and landscaping on both sides of the driveway that will enhance the development. The Transportation Services staff also has no objections to the proposed site improvement. The reduced driveway width will still provide adequate on-site circulation for all units.

ALTERNATIVES

The units could still be rented without the proposed site upgrades, if the requests are denied.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act.

CONCLUSION

Conversion of the apartments will result in a general upgrading of the property, as well as providing additional home ownership opportunities. In staff's opinion,

conversion of the units will not diminish affordable housing stock. Additionally, current tenants will be offered right of first refusal to purchase, or the property owner will pay registration fees for an apartment search service to help them find a new apartment if they decide not to purchase.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Applicant's Project Description and Justification
 Proposed Improvements letter
 Inspection Reports
 Location Map
 Plans

cc: Deputy City Manager - Dev. Svs. Director
 Sr. Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Robert R. Boyd
P.O. Box 691
Corona Del Mar, CA 92625

Peter Zehnder
P.O. Box 15126
Newport Beach, CA 92659

Wilford Laughrey
P.O. Box 10242
Santa Ana, CA 92711

File: 022805PA0444	Date: 021505	Time: 1115 a.m.
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